

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No.: 1-16-cv-1274**

**North Carolina State Conference )  
Of the NAACP, et al )  
Plaintiffs, )  
 )  
v. )  
 )  
The North Carolina State Board )  
of Elections, et al: )  
Defendants. )**

**Affidavit of Glenda M. Clendenin**

The Affiant, being first duly sworn, deposes and states as follows:

1. My name is Glenda M. Clendenin and, unless otherwise indicated, I have personal knowledge of the information and facts set forth in this Affidavit.
2. I am over the age of eighteen (18) years, of sound mind, and am competent to give this affidavit, and currently serve as the Director of the Moore County Board of Elections, and have served in this capacity for thirty (31) years.
3. Based upon my experience as Director of the Moore County Board of Elections, I am aware that N.C.G.S. § 163-22 mandates that the State Board of Elections has “general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections” and further requires the State Board to “compel observance of the requirements of election laws by county boards of elections.”

4. I acknowledge receipt of the Court's order entered at 4:58 PM on Friday, November 4, 2016, granting the preliminary injunction as to plaintiffs, and further acknowledge receipt of Memo 2016-23, a directive issued by Kimberly Westbrook Strach, the Executive Director of the State Board of Elections issued at 7:56 PM on Friday, November 4, 2016 summarizing the Court's order and compelling all county boards of elections to take steps to comply. (Copy of Memo 2016-23 attached hereto as Exhibit 1)
5. That the Moore County Board of Elections has complied with the order of the court, and the resultant directives from the State Board of Elections, as to how to administer election laws in the operation of any election in Moore County, specifically including the election of November 8, 2016, and will continue to comply.
6. That Moore County Board of Elections will continue to comply with the Preliminary Injunction entered by the Court as to the Moore County Board of Elections, other County Board of Elections and the North Carolina State Board of Elections.
7. That Moore County Board of Elections will continue to comply with all directives of the North Carolina State Board of Elections as required by NC Gen Stats., including Memo 206-23 issued by the State Board of Elections following the Court's Order granting the Preliminary Injunction.

8. During the months of June and July 2016, N. Carol Wheeldon, 50 Lake Forest Drive, SW, Pinehurst, NC 28374, a registered voter and citizen of Moore County, and pursuant to N.C.G.S. 163-85 caused to be filed 499 voter registration challenges.
9. That as to the ethnicity of the original 499 voter challenges; there were 365 challenges to White voters, 92 challenges as to Black voters, 7 challenges as to American Indian, 31 challenges as to other and 4 challenges as to unknown.
10. That as to Political Breakdown of the original 499 challenges, there were 154 challenges as to Democrats, there were 136 challenges as to Republicans, there were 195 challenges as to unaffiliated voters, there were 10 challenges as to Libertarians and 4 challenges as to unknown.
11. That the Moore County Board of Elections prior to the scheduling of the formal individual preliminary hearings on the challenged voter registrations undertook an independent investigation to determine voter status, by reviewing social media including Face Book, reviewed official tax records, reviewed State Voter Registry, reviewed Obituaries and other available public records in effort to locate challenged/named voters and to assist in determining voter status.
12. That when the investigation disclosed alternate addresses, and in effort to preserve the voter registration and eligible voter status thereby eliminating the legal challenge, the Moore County Board of Elections attempted communications with the challenged/named voter through telephone calls or direct mailing, similar to

letter forwarded to James Michael Brower dated July 13, 2016, a copy attached hereto as Exhibit 2 and incorporated herein by reference.

13. That the letter mailed to Mr. James Michael Brower on July 13, 2016, at an alternate address, an address different than that of his voter registration address, was mailed prior to the scheduling of the individual preliminary hearings of September 6, 2016, and requested Mr. Brower's immediate attention to this matter.
14. That the voter registration records are updated regularly and daily, based upon information received from the NC Department of Motor Vehicles, other NVRA agencies, Court Felony Conviction Reports, Cancellation reports from other states (previously registered voters register in another states), Cancellation requests from other jurisdictions (previously registered voters register in another county or jurisdiction of the state), and requests of registered voters.
15. That the investigations and list maintenance as to voter status continued through the individual Hearings on the Challenge as provided under N.C.G.S. 163-86 and concluded October 14, 2016.
16. That on September 6, 2016 at 9:00 AM, individual preliminary hearings were held on each of the challenged voter registrations as challenged by N. Carol Wheeldon.
17. That during the course of the preliminary hearings and leading up to the September 30<sup>th</sup>, 2016, the date of sending Notices of Hearing, approximately 99 of the challenged 499 voter registrations were resolved, with the voter registration

challenge overruled, based upon information determined during the investigations conducted by the Moore County Board of Elections, some resolved through determinations of registration in another jurisdiction, some resolved through discovery of obituary confirmed by near relative, many resolved by determining challenged voter continued to reside in county and maintained eligibility to vote in the jurisdiction and challenge dismissed.

18. That following the individual preliminary hearings on the challenged voter registrations and findings of probable cause, 400 challenge letter notifications were forwarded to challenged voters at the addresses provided on the voter registration attaching the original voter registration challenge.
19. That attached as Exhibit 3 is a copy of a representative letter, the actual letter sent to James Michael Brower dated September 30, 2016, advising as to the date and hour of hearing scheduled for October 14, 2016 at 9:00 AM, and as to the process and options related to the hearing.
20. That prior to the hour of scheduled hearing on the voter challenge for James Michael Brower, Mr. Brower appeared at the Moore County Board of Elections and confirmed his change of address and completed an update of his voter registration, which resulted in cancellation of his voter challenge. Mr. Brower was not removed from the voter registration.
21. That in addition to the challenged voter, the following persons were notified as to the scheduling of the voter challenge hearing, N. Carol Wheeldon, Challenger, the

Democratic Party Chairman, the Republican Party Chairman and the Libertarian Party Chair.

22. That pursuant to N.C.G.S. § 163-86, individual hearings on the 400 challenge letter notifications were conducted on October 14, 2016, and following which 374 voters were removed from the voter registry.
23. That during the hearings of October 14, 2016, and based upon information discovered by the Moore County Board of Elections, additional challenged voter registrations were resolved without removal.
24. Following the October 14, 2016 Hearings and prior to the beginning of the One Stop Absentee Voting 374 voters were removed from the voter registry.
25. That as to the sustained challenged voters removed from the registry, 270 were White, 69 were Black, and 35 were designated other.
26. That the racial demographic for Moore County as of the census data available on July 1, 2015, a county with a population of 94,532 consists of 82.7% White, 12.9% Black, 1% American Indian, and 1.3% Asian.
27. That of the 374 voters removed from the voter registry, the BOE received notification that at least three (3) moved to another jurisdiction or state and registered there.
28. That three (3) of the removed challenged voters completed same day registration during the One Stop Absentee Voting process prior to the order of the Court and voted in the 2016 general election.

29. That two (2) of the restored “inactive” voters voted on Election Day with a provisional ballot in a new precinct with a new residence address. The provisional ballot issuance was issued as an unreported move.
30. Of the 374 challenged voters removed from the voter registry, a total of five (5) challenged voters participated in the 2016 General Election.
31. That after the Court entered its order granting the Preliminary Injunction of the Plaintiffs on November 4, 2016, the Moore County Board of Elections immediately restored all removed voters to their pre-challenge status and directed all precincts to comply with the court order and the resultant directive from the State Board of Elections.
32. That as to removed challenged voters, subject to the September 6, 2016 Preliminary Voter Challenge Hearings, and subject to the November 4, 2016 order of the Court, there were five (5) voters in Moore County that participated in the general election and as follows:
  - a) Butler, Lewis Oswald, a Black Male, Democrat, who voted on 10/24/16 by completing Same Day Registration during one-stop absentee voting; and
  - b) Colthart, Maureen Elizabeth, a White Female, Unaffiliated, who voted on 11/4/16 by completing Same Day Registration during the one-stop absentee voting; and

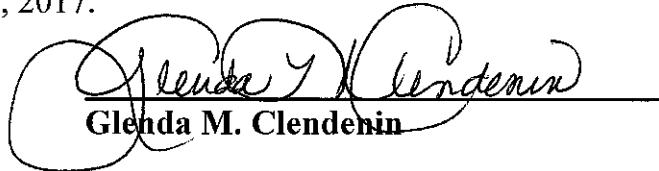
c) Jarrett, Barbara Ann, a White Female, Republican, who voted on 10/28/16 by completing Same Day Registration during the one-stop voting; and

d) Lindsey, Sherika Lavonne, a Black Female, Democrat, who voted on 11/8/16 by casting a provisional ballot in a new precinct as an unreported move; and

e) McKeithan, Tiara Caprice, a Black Female, Democrat, who voted on 11/8/16 by casting a provisional ballot in a new precinct as an unreported move.

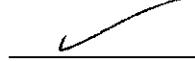
**FURTHER THE AFFIANT SAYETH NAUGHT.**

This the 26<sup>th</sup> day of January, 2017.



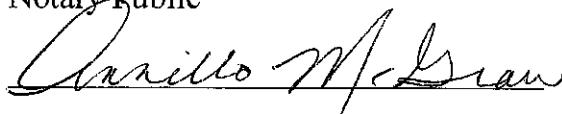
Glenda M. Clendenin

Sworn to and subscribed before me this day by Glenda M. Clendenin.

 I have personal knowledge of the identity of the principal(s).

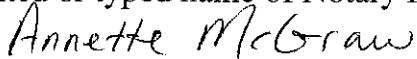
Date: 1-26-19

Notary Public

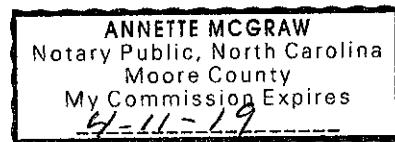


Annette McGraw My Commission Expires: 4-11-19

Printed or typed name of Notary Public



Annette McGraw





# NORTH CAROLINA

## State Board of Elections



Mailing Address:  
P.O. Box 27255  
Raleigh, NC 27611-7255  
  
Phone: (919) 733-7173  
  
KIM WESTBROOK STRACH  
Executive Director

### NUMBERED MEMO 2016-23

**TO:** Beaufort, Cumberland, and Moore County Boards of Elections  
**CC:** County Boards of Elections  
**FROM:** Kim Westbrook Strach, Executive Director  
**RE:** URGENT: Court-ordered Residency Challenge Procedures  
**DATE:** November 4, 2016

A federal court this evening issued a temporary order requiring that certain challenged voters in Beaufort, Cumberland, and Moore Counties be restored to the rolls, and further requiring changes that affect all counties. While this agency continues to review the order, as the chief elections official for the State of North Carolina and pursuant to the court's order, I am issuing the below directive:

**Beaufort, Cumberland, and Moore County Boards of Elections:**

1. Restore to their previous status all voters removed on or after August 10 based on a residency challenge. The State Board is working with each affected county to ensure this process is carried out prior to Election Day.
2. These previously removed voters:
  - Must be able to vote a regular ballot on Election Day.
  - Cannot be challenged on Election Day for any reason.
  - Must have their provisional or absentee ballots counted if already submitted.
3. Immediately respond to absentee ballot requests previously submitted by these voters and take all appropriate steps to ensure their ballots are immediately issued by overnight delivery via U.S. Mail or commercial carrier service. You must notify my office (copying [legal.team@ncbse.gov](mailto:legal.team@ncbse.gov)) prior to canvass if you receive any such absentee ballot after the statutory deadline.
4. No future residency challenges may be heard under G.S. §§ 163-85 and 163-86 prior to Election Day

**All Other County Boards of Elections:**

No future residency challenges may be heard under G.S. §§ 163-85 and 163-86 prior to Election Day. This does not include Election Day challenges (G.S. §§ 163-87 and 163-88) or challenges entered against absentee voters (G.S. § 163-89).

EXHIBIT 1

# MOORE COUNTY BOARD OF ELECTIONS

700 PINEHURST AVENUE • P.O. BOX 787  
CARTHAGE, NORTH CAROLINA 28327  
TELEPHONE (910) 947-3868 • FAX (910) 947-2389  
email: elections@moorecountync.gov • www.moorecountync.gov

SUSAN T. ADAMS  
CHAIRMAN

GLEND A. CLENDENIN  
DIRECTOR



CAROLYN M. McDERMOTT  
SECRETARY

WILLIAM R. (BILL) PARKE  
MEMBER

July 13, 2016

Mr. James Michael Brower  
1164 Spies Rd.  
Robbins, NC 27325

Dear Mr. Brower:

We have had a legal challenge issued against the address listed on your voter registration record (105 Bear Creek Lane). Information indicates that you may now reside at the address above.

In order to correct your record and dismiss the challenge, we ask that you please correct your information by completing and returning the enclosed Voter Registration form.

Thank you for your *immediate* attention to this matter. Should you have questions, please contact this office.

Sincerely,

MOORE COUNTY BOARD OF ELECTIONS

Michelle W. Blue, Voter Registration Services Coordinator

enclosures  
/mwb

EXHIBIT D

# MOORE COUNTY BOARD OF ELECTIONS

700 PINEHURST AVENUE • P.O. BOX 787  
CARTHAGE, NORTH CAROLINA 28327  
TELEPHONE: (910) 947-3868 • FAX: (910) 947-2389  
email: elections@moorecountync.gov • www.moorecountync.gov



STATE OF NORTH CAROLINA  
COUNTY OF MOORE

Before the Moore County  
Board of Elections  
File No. 16 BOE 542

TO: James Michael Brower  
105 Bear Creek Ln  
Robbins, NC 27325

## NOTICE OF CHALLENGE AND NOTICE OF HEARING ON CHALLENGE

Notice is hereby given to James Michael Brower of a Challenge of your right to remain registered to vote. The reason asserted in the Notice of Challenge is that James Michael Brower is not a resident of the precinct in which s/he is registered. A copy of the NOTICE OF CHALLENGE filed with the Moore County Board of Elections is attached hereto.

A Preliminary Hearing was conducted on September 6, 2016 in accordance with G. S. 163-85. The Challenge was filed by N. Carol Wheeldon. The members of the Moore County Board of Elections have found probable cause exists that James Michael Brower is not a resident of the precinct in which s/he is registered.

**IN ACCORDANCE WITH G. S. 163-86, NOTICE IS HEREBY GIVEN TO JAMES MICHAEL BROWER THAT THE MOORE COUNTY BOARD OF ELECTIONS WILL CONDUCT A HEARING ON THE CHALLENGE ON FRIDAY, OCTOBER 14, 2016 AT 9:00 A.M. IN THE COMMISSIONERS MEETING ROOM, ONE COURTHOUSE SQUARE, CARTHAGE, NC. THE CHALLENGED REGISTRANT SHALL APPEAR IN PERSON AT THE CHALLENGE HEARING. IF S/HE IS UNABLE TO APPEAR IN PERSON, S/HE MAY BE REPRESENTED BY ANOTHER PERSON AND MUST TENDER TO THE COUNTY BOARD OF ELECTIONS AN AFFIDAVIT THAT S/HE IS A CITIZEN OF THE UNITED STATES, IS AT LEAST 18 YEARS OF AGE OR WILL BECOME 18 BY THE DATE OF THE NEXT GENERAL ELECTION, HAS OR WILL HAVE RESIDED IN THIS STATE AND IN THE PRECINCT FOR WHICH REGISTERED FOR 30 DAYS BY THE DATE OF THE NEXT PRIMARY OR ELECTION, IS NOT DISQUALIFIED FROM VOTING BY THE CONSTITUTION OR LAWS OF THIS STATE, IS NAMED JAMES MICHAEL BROWER AND WAS DULY REGISTERED AS A VOTER OF ROBBINS PRECINCT IN SUCH NAME, AND IS THE PERSON REPRESENTED TO BE BY THE AFFIDAVIT. THE HEARING MAY BE RECORDED OR A COURT REPORTER MAY BE ARRANGED BY ANY INTERESTED PARTY AT THAT PARTY'S EXPENSE.**

As required by law, copy of this NOTICE OF HEARING ON CHALLENGE is given to the following individuals, addressed as follows:

N. Carol Wheeldon, Challenger, 50 Lake Forest Dr, SW, Pinehurst, NC 28374  
Paul E. Dunham, Chairman, Moore County Democratic Party, 465 Dogwood Ln, Southern Pines, NC 28387  
John N. Rowerdink, Chairman, Moore County Republican Party, 15 McMichael Dr, Pinehurst, NC 28374  
J. J. Summerell, Chairman, Libertarian Party of NC, PO Box 28141, Raleigh, NC 27611

Dated this 30th day of September, 2016

Susan T. Adams, Chairman  
Moore County Board of Elections

EXHIBIT 3